

SECOND REGULAR SESSION

SENATE BILL NO. 1027

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Read 1st time March 1, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

5230S.011

AN ACT

To repeal sections 226.952, 226.957, and 226.971, RSMo, and to enact in lieu thereof three new sections relating to the highway corridor preservation process.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 226.952, 226.957, and 226.971, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 226.952,
3 226.957, and 226.971, to read as follows:

226.952. 1. Whenever the commission has approved the location of the
2 highway corridor of a new or relocated state highway it [may] **shall** file a
3 certified copy of a corridor map with each regulatory authority having jurisdiction
4 over any portion of the property contained within the highway corridor, and with
5 the recorder of deeds in every county in which a portion of the highway corridor
6 is located.

7 2. The commission shall not file or record a corridor map in any county
8 or city without first advertising and conducting a public hearing to learn of any
9 objections that the residents and any appropriate regulatory authorities may have
10 to the proposed location of the highway corridor. The commission shall consult
11 with all regulatory authorities having jurisdiction over the property contained
12 within the proposed highway corridor regarding the appropriate location of such
13 highway corridor. In areas within the boundaries of a metropolitan planning
14 organization, as designated under 23 U.S.C. 134, the location of a proposed
15 highway corridor shall be selected by the commission in cooperation with the
16 metropolitan planning organization for the area. At least thirty days prior to
17 holding this hearing, the commission shall send a notice of the hearing by
18 certified mail, addressed to the owner of record of each parcel crossed by or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 within the highway corridor, at the address shown for such owner on the county
20 tax records.

226.957. 1. Sections 226.952 to 226.957 shall not apply to, and the
2 commission shall not attempt to file or record corridor maps in those areas of the
3 state having no regulatory authority.

4 2. [Sections 226.952 to 226.957 shall not apply to, and the commission
5 shall not file or record a corridor map for a highway corridor of a new or relocated
6 state highway project funded with state funds and without any federal funds.

7 3.] In order to compensate a regulatory authority for the activities
8 required under sections 226.950 to 226.973, the commission shall pay a filing fee
9 in the sum of two hundred and fifty dollars to the regulatory authority when a
10 corridor map or a revised corridor map is filed with the regulatory authority.

11 [4. Sections 226.952 to 226.957 shall not apply to, and the commission
12 shall not file or record a corridor map for, a highway corridor for a new or
13 relocated state highway to be located within an area which is already developed
14 at or near its maximum use with commercial, industrial or residential
15 structures.]

226.971. 1. The commission [may] **shall** institute any action [it deems]
2 necessary in the circuit courts of this state to prevent a violation of any provision
3 of sections 226.950 to 226.973, or to undo any action taken in violation of sections
4 226.950 to 226.973. The commission [may] **shall immediately** obtain a court
5 order to stop any construction in violation of sections 226.950 to 226.973. [If]
6 **When** the commission acquires the property upon which development has
7 occurred in violation of sections 226.950 to 226.973, the court shall order the
8 property returned to its original condition prior to the commencement of the
9 construction at the property owner's expense and without charge or cost to the
10 commission.

11 2. **The state auditor shall annually audit and investigate any**
12 **failure to comply with subsection 1 of this section by the commission**
13 **or employees under their supervision. If the state auditor finds that**
14 **the commission or the employees under their supervision knowingly**
15 **violated the provisions of subsection 1 of this section and such**
16 **violation caused a loss of state road fund moneys or the failure to act**
17 **necessitated a greater expenditure of road fund moneys than would**
18 **have been required if action had been taken, then the commission shall**
19 **freeze the existing salaries of those employees involved with the**

20 **violations for the following fiscal year pay period.**

21 **3.** Any action taken by a regulatory authority or recorder of deeds in
22 violation of sections 226.950 to 226.973 shall be void and unenforceable.

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Unofficial

Bill

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